

### **III. Remarks**

Claims 8, 14 and 27-42 are pending herein.

Claims 4, 11, 12 and 15-19 have been canceled without prejudice or disclaimer, with claims 1-3, 5-7, 9, 10, 13 and 20-26 having been previously canceled without prejudice or disclaimer.

Claims 8 and 14 have been amended.

Claims 27-42 have been added.

Reconsideration of this application in light of these amendments and the following remarks is respectfully requested.

#### **Examiner's Note**

Applicants acknowledge and appreciate the Note on page 5 of the present Office action in which the Examiner indicated that claims 8 and 14 would be favorably considered for allowance if either one of two suggested amendments were made to claims 8 and 14.

#### **Rejections Under 35 U.S.C. §102(b)**

##### Claims 15-17

Claims 15-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Pat. Pub. No. JP 2001-233289. Claims 15-17 have been canceled without prejudice or disclaimer and this rejection is therefore moot.

#### **Rejections Under 35 U.S.C. §103(a)**

##### Claims 4, 8, 11, 12, 14 and 15-19

Claims 4, 8, 11, 12, 14 and 15-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 3,449,778 to Jones ("Jones") in view of U.S. Pat. No. 5,766,114 to Campbell ("Campbell"), and further in view of U.S. Pat. No. 5,152,706 to Fister ("Fister").

Claims 4, 11, 12 and 15-19 have been canceled without prejudice or disclaimer and the rejection under 35 U.S.C. §103(a) is therefore moot with respect to these claims.

Claim 8 has been amended to adopt the first of the Examiner's two suggested amendments found in the Note on page 5 of the present Office action. As a result, none of Jones, Campbell and Fister, alone or in any combination, teaches, suggests or motivates the subject matter to which amended claim 8 is directed, and it is respectfully requested that the rejection under 35 U.S.C. §103(a) be withdrawn with respect to claim 8.

Claim 14 has been amended to adopt the second of the Examiner's two suggested amendments found in the Note on page 5 of the present Office action. As a result, none of Jones, Campbell and Fister, alone or in any combination, teaches, suggests or motivates the subject matter to which amended claim 14 is directed, and it is respectfully requested that the rejection under 35 U.S.C. §103(a) be withdrawn with respect to claim 14.

### **New Claims**

#### **Claims 27-30**

New claims 27-29 and 30 depend from, and further limit, independent claims 8 and 14, respectively, in a patentable sense and therefore are allowable as well.

#### **Claim 31**

New claim 31 is directed to a flotation device for supporting a user in the water, the flotation device comprising a pair of buoyant front panels; a closure connecting said front panels; a pair of side panels extending from said front panels, respectively, for disposition beneath the arms of the user; a buoyant back panel connected to said side panels; a bottom panel extending from said front panels to said back panel for disposition between the user's legs; and a buoyant head support panel hingedly affixed

to said back panel for floating disposition beneath the user's head and supporting the user's head above the water.

It is noted that claim 31 adopts the first of the Examiner's two suggested amendments found in the Note on page 5 of the present Office action. As a result, none of Jones, Campbell and Fister, alone or in any combination, teaches, suggests or motivates the subject matter to which claim 31 is directed, as described above.

In view of the foregoing, it is respectfully submitted that claim 31 distinguishes patentably from the patents applied in the present Office action and is therefore in condition for allowance.

Claims 32-36

Claims 32-36 depend from, and further limit, independent claim 31 in a patentable sense and therefore are allowable as well.

Claim 37

New claim 37 is directed to a flotation device for supporting a user in the water, the flotation device comprising a pair of buoyant front panels; a closure connecting said front panels; a pair of side panels extending from said front panels, respectively, for disposition beneath the arms of the user; a buoyant back panel connected to said side panels; a bottom panel extending from said front panels to said back panel for disposition between the user's legs; and a buoyant head support panel hingedly attached directly to said back panel for floating disposition beneath the user's head and supporting the user's head above the water.

It is noted that claim 37 adopts the second of the Examiner's two suggested amendments found in the Note on page 5 of the present Office action. As a result, none of Jones, Campbell and Fister, alone or in any combination, teaches, suggests or motivates the subject matter to which claim 37 is directed, as described above.

In view of the foregoing, it is respectfully submitted that claim 37 distinguishes patentably from the patents applied in the present Office action and is therefore in condition for allowance.

Claims 38-42

Claims 38-42 depend from, and further limit, independent claim 37 in a patentable sense and therefore are allowable as well.

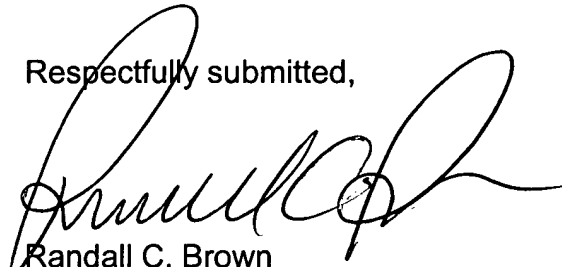
### Conclusion

It is believed that all matters set forth in the present Office action have been addressed. Applicants have made a diligent effort to advance the prosecution of this application by canceling claims 4, 11, 12 and 15-19, amending claims 8 and 14, adding claims 27-42 and submitting arguments in support of the patentability of claims 8, 14 and 27-42.

In view of all of the above, the allowance of claims 8, 14 and 27-42 is respectfully requested.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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